

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE PROCTER & GAMBLE COMPANY,		:
		:
Plaintiff,		:
		:
vs.		:
		:
ULTREO, INC.,		:
		:
Defendant.		:
		:
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		X

**DECLARATION OF THOMAS D. DUPONT, PH. D. IN SUPPORT OF
PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

1. I make this declaration in accordance with 28 U.S.C. § 1746 and in support of Plaintiff's Motion for a Preliminary Injunction.

2. I am expert in the field of survey research and consumer behavior.

3. I received a B.A. in Psychology from Lake Forest College in 1965, a M.S. in Industrial Psychology from Purdue University in 1968 and a Ph.D. from Purdue in Consumer Psychology in 1970. From 1968-1970 I was on the teaching staff at Indiana University-Purdue University at Indianapolis, first as an Instructor and later as an Assistant Professor, both in the Psychology department.

4. I am President of D² Research, located in Hendersonville, NC. D² Research is a survey research and consulting firm that specializes in the application of social science research techniques to the field of marketing and consumer communications.

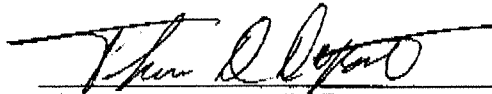
5. A full list of my expert qualifications is located in the attached report, Exhibit A, at page 29.

6. In the past four years, I have given testimony under oath in 18 different matters. A list of those matters and the type of testimony given is located at page 32 of the attached report, Exhibit A.

7. I was engaged by The Procter & Gamble Company ("P&G") to measure consumer perceptions of Ultreo's advertising claims.

8. I designed and supervised the conduct of the survey described in the attached report, Exhibit A. The survey was conducted among current and potential users of power toothbrushes exposed to advertising for the Ultreo power toothbrush. It employed properly filtered and non-leading open-ended questions. A summary of my findings is located at pages 11 through 28 of the attached report. All statements of findings and conclusions are my own. It is my opinion that my survey meets or exceeds the survey standards set forth in the Manual for Complex Litigation.

9. I declare under penalty of perjury that the foregoing is true and correct.



Thomas D. Dupont, Ph.D.

Executed on October 9, 2007

CERTIFICATE OF SERVICE

The foregoing DECLARATION OF THOMAS D. DUPONT, PH. D. IN SUPPORT OF PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION was served on all counsel of record on October 26, 2007 by electronic mail through the Court's CM/ECF system.

/s/ *Laura W. Sawyer*